

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 STEPHEN A. MILLS, State Bar No. 54145
Deputy Attorney General
4 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
5 Telephone: (213) 897-2539
Facsimile: (213) 897-2804
6

7 Attorneys for Complainant

8
9 **BEFORE THE**
DEPARTMENT OF CONSUMER AFFAIRS
10 **BUREAU OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. VN-2004-218

12 KAREN AILEEN ARAGON
aka KAREN AILEEN CHUBA
13 9530 Artesia Blvd #22
Bellflower, CA 90706
14 Vocational Nurse License No. VN 182365

A C C U S A T I O N

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this
20 Accusation solely in her official capacity as the Executive Officer of the Bureau of Vocational
21 Nursing and Psychiatric Technicians, Department of Consumer Affairs.

22 2. On or about October 7, 1997, the Board of Vocational Nursing and
23 Psychiatric Technicians (Bureau) issued Vocational Nurse License Number VN 182365 to Karen
24 Aileen Aragon aka Karen Aileen Chuba (Respondent). The Vocational Nurse License was in full
25 force and effect at all times relevant to the charges brought herein and will expire on October 31,
26 2009, unless renewed.

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[illegible]

3. This Accusation is brought before the Bureau under the authority of the

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4. Section 125.3 of the Code provides, in relevant part, that the Board may

5. Section 490 of the Code provides, in relevant part, that the Board may

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7. Section 2875 of the Code provides, in relevant part, that the Board may

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2.2.

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1 (a) Unprofessional conduct, which includes, but is not limited to, the
2 following:

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4 (b) Procuring a certificate by fraud, misrepresentation, or mistake.

5 (d) Violating or attempting to violate, directly or indirectly, or
6 assisting in or abetting the violating of, or conspiring to violate any provision or
7 term of this chapter.

8 (e) Making or giving any false statement or information in connection
9 with the application for issuance of a license.

10 (f) Conviction of a crime substantially related to the qualifications,
11 functions, and duties of a licensed vocational nurse, in which event the record of
12 the conviction shall be conclusive evidence of the conviction.

13 (j) The commission of any act involving dishonesty, when that action
14 is related to the duties and functions of the licensee.

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16 9. Section 2878.5 of the Code states:

17 In addition to other acts constituting unprofessional conduct within the
18 meaning of this chapter [the Vocational Nursing Practice Act] it is unprofessional
19 conduct for a person licensed under this chapter to do any of the following:

20 (a) Obtain or possess in violation of law, or prescribe, or except as
21 directed by a licensed physician and surgeon, dentist or podiatrist administer to
22 himself or herself or furnish or administer to another, any controlled substance as
23 defined in Division 10 of the Health and Safety Code, or any dangerous drug as
24 defined in Section 4022.

25 (b) Use any controlled substance as defined in Division 10 of the
26 Health and Safety Code, or any dangerous drug as defined in Section 4022, or
27 alcoholic beverages, to an extent or in a manner dangerous or injurious to himself
28 or herself, any other person, or the public, or to the extent that the use impairs his
or her ability to conduct with safety to the public the practice authorized by his or
her license.

(c) Be convicted of a criminal offense involving possession of any
narcotic or dangerous drug, or the prescription, consumption, or
self-administration of any of the substances described in subdivisions (a) and (b)
of this section, in which event the record of the conviction is conclusive evidence
thereof.

....

10. Section 2878.6 of the Code states:

A plea or verdict of guilty or a conviction following a plea of nolo
contendere made to a charge substantially related to the qualifications, functions

1 and duties of a licensed vocational nurse is deemed to be a conviction within the
2 meaning of this article. The board may order the license suspended or revoked, or
3 may decline to issue a license, when the time for appeal has elapsed, or the
4 judgment of conviction has been affirmed on appeal or when an order granting
5 probation is made suspending the imposition of sentence, irrespective of a
6 subsequent order under the provisions of Section 1203.4 of the Penal Code
7 allowing such person to withdraw his plea of guilty and to enter a plea of not
8 guilty, or setting aside the verdict of guilty, or dismissing the accusation,
9 information or indictment.

10 **REGULATORY SECTIONS**

11 11. California Code of Regulations, title 16, section 2504, states:

12 All persons holding a license from the Board shall file their current
13 mailing address with the Board at its office in Sacramento, and shall immediately
14 notify the Board of any and all changes of mailing address, within 30 days after
15 the change, giving both their old and new addresses and license number.

16 12. California Code of Regulations, title 16, section 2521 states, in relevant

17 part:

18 For the purposes of denial, suspension, or revocation of a license pursuant
19 to Division 1.5 (commencing with Section 475) of the Business and Professions
20 Code, a crime or act shall be considered to be substantially related to the
21 qualifications, functions or duties of a licensed vocational nurse if to a substantial
22 degree it evidences present or potential unfitness of a licensed vocational nurse to
23 perform the functions authorized by his license in a manner consistent with the
24 public health, safety, or welfare. . . .

25 **13. METHAMPHETAMINE IS A CONTROLLED SUBSTANCE.**

26 Methamphetamine is a Schedule II controlled substance as defined in Health and
27 Safety Code section 11055, subdivision (d)(2), and is categorized as a dangerous drug in Code
28 section 4022.

FIRST CAUSE FOR DISCIPLINE

(Convictions of Substantially-Related Crimes)

14 Respondent is subject to disciplinary action under Code section 490,
15 section 2878, subdivision (f), and section 2878.6, in conjunction with California Code of
16 Regulations, title 16, section 2521, as a result of her convictions of the following three crimes,
17 each of which is substantially related to the qualifications, functions, and duties of a vocational
18 nurse:

1 a. April 6, 2006 Conviction of Making Criminal Threats.

2 On or about April 6, 2006, Respondent pled nolo contendere and was
3 convicted of one misdemeanor count of violating Penal Code section 422 [making criminal
4 threats] in the criminal proceeding entitled *The People of the State of California v. Karen Aileen*
5 *Aragon* (Super. Ct. Los Angeles County, 2006, No. 6BF01880). Respondent was sentenced to
6 four days in custody, ordered to perform sixteen days of Cal Trans Service, fined \$120.00, and
7 placed on probation for three years. She was also ordered to complete classes in anger
8 management counseling. The factual circumstances leading up to Respondent's arrest and
9 convictions revolve around a billing-related argument she had with her apartment complex
10 manager on April 4, 2006. Respondent threatened the complex manager and his family with
11 great bodily injury or death when she lost her temper and started yelling, "You and the owner
12 don't know who you are dealing with. I will burn this f_cking place down."

13 b. May 18, 2004 Conviction of Driving with a Suspended License.

14 On or about May 18, 2004, Respondent pled nolo contendere and was
15 convicted of one misdemeanor count of violating Vehicle Code section 14601.1, subdivision (a)
16 [driving with a suspended license], with an admitted prior conviction of the same crime, in the
17 criminal proceeding entitled *The People of the State of California v. Karen Aileen Aragon*
18 (Super. Ct. Los Angeles County, 2004, No. 3LC03019). Respondent was sentenced to ten days
19 in the Los Angeles County Jail. The underlying factual circumstances occurred on or about
20 September 5, 2003, when Respondent drove a motor vehicle on a highway despite knowing that
21 her driver's license was suspended as a result of a prior conviction of the same offense on
22 November 7, 2002, as set forth below in paragraph 14c.

23 c. November 5, 2002 Conviction of Driving with a Suspended
24 License.

25 On or about November 5, 2002, Respondent pled nolo contendere and was
26 convicted of one count of violating Vehicle Code section 14601.1, subdivision (a) [driving with a
27 suspended license] in the criminal proceeding entitled *The People of the State of California v.*
28

1 *Karen Aileen Aragon* (Super. Ct. Los Angeles County, 2002, No. 2WH01479). Respondent was
2 sentenced to ten days in the Los Angeles County Jail, fined \$300.00, and placed on probation for
3 two years. The underlying factual circumstances occurred on March 5, 2002, when Respondent
4 drove a motor vehicle and left it standing on a highway, even though she knew that her driver's
5 license was suspended.

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Unlawful Possession and Use of a Controlled Substance and Dangerous Drug)**

8 15. Respondent is subject to disciplinary action under Code section 2878,
9 subdivision (a), and section 2878.5, subdivision (a) as a result of her unlawful possession and use
10 of methamphetamine, a controlled substance and a dangerous drug, on the following two
11 occasions:

12 a. May 14, 2004 Arrest for Unlawful Possession of
13 Methamphetamine.

14 On or about May 14, 2004, while on probation for a conviction of the
15 same unlawful activity [see paragraph 15.b, below], Respondent was arrested for the unlawful
16 possession of methamphetamine and charged with violating Health and Safety Code section
17 11377, subdivision (a) [possession of a controlled substance]. During an inventory search of
18 Respondent's vehicle related to a traffic stop conducted by officers of the Los Angeles County
19 Sheriff's Department, police officers found two small baggies containing methamphetamine,
20 which Respondent admitted was hers.²

21 b. November 3, 2002 Arrest for Unlawful Possession of
22 Methamphetamine.

23 On or about November 3, 2002, Respondent was arrested for unlawful
24 possession of a controlled substance, namely, methamphetamine. During an inventory search of
25 Respondent's vehicle related to a traffic stop conducted by officers of the Los Angeles County

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27 2. Due to Respondent's completion of a Proposition 36 rehabilitation program, she is not being charged
28 with a conviction of violating Health and Safety Code section 11377, subdivision (a). However, pursuant to
Business and Professions Code section 492, the Bureau may discipline Respondent based on the underlying acts
and unprofessional conduct, notwithstanding the fact that related information may be contained in arrest reports.

1 Sheriff's Department, police officers found two small baggies containing methamphetamine.
2 Respondent admitted to the arresting officers that she had been using methamphetamine for two
3 weeks.

4 **THIRD CAUSE FOR DISCIPLINE**

5 **(Dangerous Use of a Controlled Substance)**

6 16. Respondent is subject to disciplinary action under Code section 2878,
7 subdivision (a), and section 2878.5, subdivision (b), for using the controlled substance
8 methamphetamine in a manner dangerous to herself, other persons, and the public, as set forth
9 above in paragraph 15, and subparagraphs 15a and 15b. Complainant now refers to and
10 incorporates the allegations of paragraph 15, and subparagraphs 15a and 15b, as if set forth fully.

11 **FOURTH CAUSE FOR DISCIPLINE**

12 **(Procuring a License by Fraud or Misrepresentation)**

13 17. Respondent is subject to disciplinary action under Code section 2878,
14 subdivision (b), for procuring her license by fraud or misrepresentation. When Respondent
15 signed her Vocational Nursing Renewal Application on November 5, 2005, she indicated that she
16 had no convictions since her last renewal in November 2003. However, on May 18, 2004, as set
17 forth above in paragraph 14b, Respondent was convicted of driving with a suspended license in
18 the criminal proceeding entitled *The People of the State of California v. Karen Aileen Aragon*
19 (Super. Ct. Los Angeles County, 2004, No. 3LC03019). Complainant now refers to and
20 incorporates all the allegations of paragraph 14b, as if set forth fully.

21 18. Additionally, on May 14, 2004, Respondent was convicted of possession
22 of the controlled substance methamphetamine in the criminal proceeding entitled *The People of*
23 *the State of California v. Karen Aileen Aragon* (Super. Ct. Los Angeles Count, 2004,
24 No. 4LC0158901). Although this conviction was subsequently dismissed in Proposition 36
25 proceedings through Penal Code section 1210.1, subdivision (d), when Respondent signed her
26 renewal, the conviction date had passed and the dismissal had not yet occurred. Thus,
27 Respondent failed to disclose not one but two convictions, in order to fraudulently renew her
28 Vocational Nursing License.

1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Making a False Statement in Connection with a License Application)**

3 19. Respondent is subject to discipline under Code section 2878, subdivision
4 (e) for making a false statement in connection with her license renewal application on
5 November 5, 2005, as set forth above in paragraphs 17 and 18. Complainant now refers to and
6 incorporates all the allegations of paragraphs 17 and 18, as if set forth fully.

7 **SIXTH CAUSE FOR DISCIPLINE**

8 **(Substantially-Related Dishonesty)**

9 20. Respondent is subject to disciplinary action under Code section 2878,
10 subdivision (j) for committing a dishonest act that was substantially related to the qualifications,
11 functions, and duties of a vocational nurse, as set forth above in paragraphs 17-19. Complainant
12 now refers to and incorporates all the allegations of paragraphs 17-19, as if set forth fully.

13 **SEVENTH CAUSE FOR DISCIPLINE**

14 **(Failure to Report Address Change to the Bureau)**

15 21. Respondent is subject to disciplinary action under Code section 2878,
16 subdivision (d), and California Code of Regulations, title 16, section 2504, for failing to notify
17 the Bureau of an address change within the required 30-day time frame. On April 17, 2006, the
18 Board sent a letter to Respondent at her address of record, requesting information about her
19 criminal history. On May 17, 2006, the letter was returned to the Bureau by the United States
20 Postal Service, bearing a yellow label that read "Return to Sender. No Forward Order on File.
21 Unable to Forward. Return to Sender."

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1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Bureau issue a decision:

- 4 1. Revoking or suspending Vocational Nurse License Number VN 182365,
5 issued to Respondent;
- 6 2. Ordering Respondent to pay the Bureau the reasonable costs of the
7 investigation and enforcement of this case, pursuant to Code section 125.3; and
- 8 3. Taking such other and further action as is deemed necessary and proper.
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10 DATED: August 21, 2008

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13 TERESA BELLO-JONES, J.D., M.S.N., R.N.
14 Executive Officer
15 Bureau of Vocational Nursing and Psychiatric Technicians
16 Department of Consumer Affairs
17 State of California
18 Complainant

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